

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2849
)	
LILLIAN PUMA, D.O.	)	STIPULATION AND CONSENT
Holder of License No. 2836 for the	)	ORDER OF SUSPENSION AND
practice of osteopathic medicine in the	)	PROBATION OF LICENSE
State of Arizona.)	
_____)	

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Lillian Puma, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that she has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director. Once in effect, this Order supercedes and replaces the Board Orders of March 7, 2000 and May 12, 2001.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the


Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board and Respondent; and, therefore, said admissions by Respondent are not intended for any other purpose or regulatory proceeding or litigation.

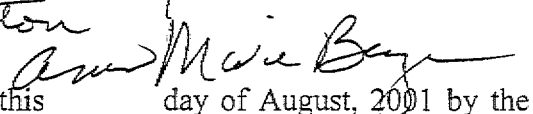
7. This Stipulated Consent Order does not prevent the Board from taking further action in the event that the U. S. Department of Justice Drug Enforcement Agency brings charges and Respondent is convicted or pleads to a criminal violation involving prescribing or dispensing of controlled or prescription substances.

8. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, she may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 25 day of August, 2001.


Lillian Puma, D.O.

STATE OF ARIZONA)
) ss
County of Maricopa)

*Witnessed by the Executive
Director*


This instrument was acknowledged before me this _____ day of August, 2001 by the above-named individual.

Notary Public

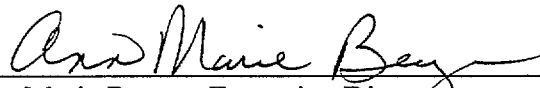
My Commission expires:

REVIEWED AND APPROVED as to form by counsel for Respondent on this 25th day of
August, 2001.



Counsel for Respondent

REVIEWED AND SIGNED this 25th day of August, 2001 for the Board by:



Ann Marie Berger, Executive Director
Arizona Board of Osteopathic Examiners in Medicine
and Surgery

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2849
	)	STIPULATED CONSENT FOR
LILLIAN PUMA, D.O.	)	FINDINGS OF FACT,
Holder of License No. 2836 for the	)	CONCLUSIONS OF LAW
practice of osteopathic medicine	)	AND BOARD ORDER FOR
in the State of Arizona.	)	SUSPENSION AND PROBATION
_____)	

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for consideration and decision at the Board's public meeting held on August 24, 2001. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held a formal administrative hearing on August 24, 2001. During the course of these proceedings, Lillian Puma, D.O. (hereinafter "Respondent") was present and represented by legal counsel, Kraig Marton.

Based upon the Consent Agreement with Respondent submitted to the Board, the board issues the following Stipulated Consent for Findings of Fact, Conclusions of Law and Order for Suspension and Probation.

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 2836 for the practice of osteopathic medicine in the State of Arizona.
2. On or about March 7, 2000 the Board issued Findings of Fact, Conclusions of Law and Board Order for Probation based on information brought to the attention of the Board that Respondent was prescribing large amounts of controlled substances and failed to maintain adequate

medical records. Respondent was placed on a two-year probation with the following terms and conditions:

- a. Restricted from prescribing or administering any Schedule II controlled substances;
- b. Attend thirty hours of continuing medical education;
- c. Undergo random chart reviews;
- d. Hire a management consultant to evaluate office procedures and provide status reports to the Board's Executive Director; and
- e. Undergo a comprehensive psychological evaluation.

3. On or about May 12, 2001 Respondent appeared before the Board regarding compliance with her Board Order. The Board reviewed information that Respondent had continued to prescribe large amount of controlled substances without maintaining adequate medical records.

4. In public session, the Board voted on May 12, 2001 to send this matter to a Formal Administrative Hearing due to Respondent's failure to maintain adequate medical records, inappropriate prescribing of controlled substances and failure to comply with the Board's Order. The Board also found that Respondent was unable to competently and safely engage in the practice of medicine and was an immediate threat to the health, safety and welfare of the public and summarily suspended her license pending a formal administrative hearing.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into a consent order for disciplinary action against a license, pursuant to A.R.S. § 41-1063, A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in. A.R.S. § 32-1854

by violating federal and state statutes and regulations:

- (21) Failing or refusing to maintain adequate records on a patient.
- (26) Violating a formal order, probation or a stipulation issued by the Board under this chapter.
- (36) Lack of or inappropriate direction, collaboration or supervision of a licensed, certified or registered health care provider or office personnel employed by or assigned to the physician in the medical care of patients.
- (37) Prescribing or dispensing controlled substances or prescription-only medications without maintaining adequate and appropriate patient records.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY AGREED AND ORDERED THAT:**

1. Lillian Puma, D.O. ("Respondent") shall comply with the following terms and conditions of this agreement:

2. Respondent's Board License Number 2836 shall remain **SUSPENDED** until all her records have been completed and up to date in regards to her patients' assessments, plans and any outstanding prescriptions as previously reviewed by the Board's Medical Consultant. Any information concerning a patient's prescribed medications shall be in a permanent record form. Respondent shall also, as a condition of her suspension, take continuing medical education ("CME") courses in medical recordkeeping and pain management. The amount of hours taken during the suspension will reduce the number of CME required during the probationary terms and conditions. The CME's shall be approved in advance by the Board's Executive Director or designee.

3. Upon written request by Respondent and a recommendation by the Board's Medical

Consultant, the Board will consider of reactivation of her license. If the Board finds that Respondent has fulfilled the requirements of her suspension, Respondent's license shall be placed under **PROBATION** for five (5) years. Respondent may make a written request to modify or terminate the terms and conditions of Probation after two years. Respondent shall comply with the terms and conditions of probation as set forth herein:

4. During the term of this Probation of this Order, Respondent shall continue to be **RESTRICTED** from prescribing or administering any Schedule II controlled substances.

5. Respondent shall only engage in the practice of medicine in a facility that has another licensed physician not under Respondent's employ and as previously approved by the Board. The licensed physician that Respondent practices medicine with will be provided copies of all Respondent's Board Orders and will provide a written report indicating whether charting is complete and up to date to the Board. These written reports shall be provided to the Board on a quarterly basis. Respondent shall inform the Board of any and all licensed physicians that she is employed with or by.

6 Respondent shall, when prescribing any non-Scheduled II controlled substances, ensure that the chart reflects every medication prescribed. If Respondent writes a prescription, a copy will be placed in the chart; if a prescription is called in for a patient, Respondent will either personally call in the prescription and so note on the chart, or will immediately sign off on the chart that the prescription was approved by her. All prescribed Schedule III controlled substance refills shall be documented and shall not exceed a period of time greater than ninety (90) days.

7. Respondent shall not treat or prescribe medications for any persons and their families who work or volunteer in the offices where she works.

8. From the date of this Order, Respondent shall obtain thirty (30) hours of continuing medical education ("CME") in the following areas: appropriate prescribing, pain management, which includes acute, chronic and headache pain and medical record keeping. Respondent shall obtain eight (8) hours of CME in addictionology and four (4) hours in the area of medical ethics. The CME's shall be approved in advance by the Board's Executive Director or designee. The CME requirement of this Board order is in addition to the CME requirement that Respondent needs to maintain her osteopathic medical license in Arizona.

9. Respondent shall undergo random chart reviews by the Board's staff or designee. The random chart review shall consist of a minimum of ten charts done at least every six months. The chart reviews will insure appropriate prescribing methods and record keeping.

10. In the event Respondent moves and ceases to practice medicine in Arizona, she shall give written notice to the Board of her new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

11. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine.

12. Respondent shall have a mental status evaluation completed every six months during the first year of probation by a Board approved licensed psychiatrist or psychologist. The psychiatrist or psychologist performing the evaluation shall provide specific recommendations to the Board and shall make a recommendation as to whether or not to continue with the mental status evaluations after the first year.

13. Respondent may have her license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

14. Respondent shall also, as part of her probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; (B) Respondent shall reimburse the Board for the continued monitoring of her probation, and (C) appear before the Board, upon receipt of a request by written or telephonic notification to both Respondent and her attorney of record from the Board's executive director which shall be given at least five (5) days prior to the Board meeting.

15. Respondent shall reimburse the Board for expenses in the amount of \$1500.00 associated with this investigation and hearing.

16. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

17. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 25th day of August, 2001.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85235

Served by personal service or
sending U.S. mail
this ____ day of August, 2001 to:

Lillian Puma, D.O.
6349 East Joan d'art
Scottsdale Arizona 85254

Copy mailed this ____ day of _____, 2001 to:

Kraig J. Marton, Esq.
Sacks Tierney
4250 N. Drinkwater Blvd., Fourth Floor
Scottsdale AZ 85251-3647

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015

Drug Enforcement Administration
Attention: Diversion Section
3010 N. 2nd St
Phoenix AZ 85012